Translating guilt: Identifying leadership liability for mass atrocity crimes
Steer, C.E.

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The darkest side of humanity is expressed when individuals acting in collectives perpetrate crimes of mass atrocity on entire communities. There is an intuition that the leaders of regimes leading to such atrocities are responsible, but the question faced by international criminal tribunals is whether leadership liability should differ from other kinds of complicity. Debates on modes of liability in ICL have become more and more complex over the last 20 years, and despite the fact that mass atrocity is of a nature quite different from the gang and mafia-type crimes familiar to domestic criminal law systems, international tribunals have nowhere else to turn but domestic criminal law models.

This book therefore takes a comparative look at the development of modes of leadership liability in international criminal law, by engaging in a critical study of different domestic models and how these have been translated to the international context. When are the leaders responsible for the horrendous acts that take place under their leadership, and how?
TRANSLATING GUILT

Identifying Leadership Liability for Mass Atrocity Crimes

ACADEMISCH PROEFSCHRIFT

der verkrijging van de graad van doctor
aan de Universiteit van Amsterdam
op gezag van de Rector Magnificus
prof. dr. D. C. van den Boom
ten overstaan van een door het college voor promoties
ingestelde commissie,
in het openbaar te verdedigen in de Agnietenkapel

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---

1From The Psychology of Transference, para 400.
calm, confident and elated:

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List of Abbreviations

BGH  Bundesgerichtshof (German Federal Court of Justice)
BiH (State Court of) Bosnia Herzegovina
CJM  Codigo de Justicia Militar, (Argentine Military Code of Justice)
DRC  Democratic Republic of Congo
ECCC Extraordinary Chambers in the Courts of Cambodia
ECHRR European Convention on the Protection of Human Rights and Fundamental Freedoms
IACHR Inter-American Court of Human Rights
ICC  International Criminal Court
ICC  International Covenant on Civil and Political Rights
ICJ  International Court of Justice
ICL  International Criminal Law
ICRC  International Committee for the Red Cross
ICTR  International Criminal Tribunal for Rwanda
ICTY  International Criminal Tribunal for Former Yugoslavia
IHL  International Humanitarian Law
ILC  (United Nations) International Law Commission
IMT  International Military Tribunal
ISIS Islamic State of Iraq and al-Sham
JCE  Joint Criminal Enterprise
MCP  Model Penal Code (United States of America)
OTP  Office of the Prosecutor

RUF  Revolutionary United Front (Sierra Leone)

SCSL  Special Court for Sierra Leone

StGB  Strafgezetsbucht, (German criminal code)

STL  Special Tribunal for Lebanon

UN  United Nations

US  United States of America

WCA  War Crimes Act 2000 (Canada)
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USA

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